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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,143	03/06/2001	Ali S. Khayrallah	8194-477	4519

20792 7590 01/06/2006

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EXAMINER

CORRIELUS, JEAN B

ART UNIT PAPER NUMBER

2637

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/800,143	<b>Applicant(s)</b> KHAYRALLAH ET AL.	
	<b>Examiner</b> Jean B Corrielus	<b>Art Unit</b> 2637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-20,22,23,26-43 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 4-20,22,23,26-43 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The after final amendment filed on 12/16/05, has been entered. In addition, the finality of the last office action has been withdrawn in view of the following claim objections. Sections 1 and 2, that include claim 1, 21-23 and 44, were intended to be deleted and were inadvertently included in the final draft of the last office action, as claims 1 and 21 were canceled and claim 44 amended to include similar limitation as claim 2. Accordingly, the 102(e) rejection has been withdrawn.

### ***Claim Objections***

2. Claims 4-20, 22, 23, 26-43 and 45 are objected to because of the following informalities:

As per claim 4, line 14; "ones of" should be replaced by "each of"; line 15, "ones" should be replaced by "one".

Claim 5, line 3, lines 6 and 9, respectively, "determined" should be replaced by "selected" so as to be consistent with antecedent in claim 4, line 6. Similar comment applies to claim 6, lines 3, 7, 10 and 14; claim 7, lines 4 and 7; claim 8, line 5.

Claim 6, line 4, "of a" should be replaced by "of said" so as to make use of antecedent in claim 4, line 4.

Claim 8, line 3, "a" should be replaced by "the".

Claim 10, line 3, "ones of" should be deleted.

Claim 11, lines 2-3, the limitation starting from "and" to "windows" is redundant and should be deleted see claim 4, last paragraph.

Claim 12, line 6, "the" should be replaced by "a"; line 10, what does it mean by "has one as the associated number"? lines 9-10, the recitation of "wherein **one** of the candidate frequency hopping modes ... provide **no frequency hopping**" is not consistent with the recitation in lines 8-9 above that recites that "**each** of the plurality of candidate frequency hopping modes ... **use in frequency hopping**".

Claim 14, line 8, "determined" should be replaced by "assigned" so as to be consistent with recitation in claim 12, line 5.

Claim 16, line 3, "a" should be replaced by "the".

As per claim 18, line 3, "ones of" should be deleted.

Claim 19, line 2, "after portions, "of the communication packet" should be inserted so as to be consistent with recitation in claim 12.

Claim 20, lines 2-3, the limitation starting from "and" to "windows" is redundant and should be deleted see claim 12, last paragraph.

As per claim 26, is the limitation "a system" recited in line 1 the same as the recitation "a communication system" recited in line 2? If so line 2 should be amended so as to be consistent with line 1. Similar comment applies to similar limitation recited in the claim and the dependent claim as well. Claim 26, line 8, "frequency hopping" should be replaced by "transmission scheme"; line 9 "mode" should be deleted, so as to be consistent with recitation in lines 4-5; line 16, "ones of" should be replaced by "each"; line 17, "ones" should be replaced by "one".

Claim 27, "a" should be replaced by "the".

Claim 28, line 3, "of a" should be replaced by "of the".

Claim 29, line 1, "ones" should be replaced by "each".

Claim 30, line 3, "a" should be replaced by "the".

Claim 32, line 3, "ones of" should be deleted.

Claim 33, line 3, the limitation starting from "and" to "windows" is redundant and should be deleted see claim 26, last paragraph.

As per claim 34, is the limitation "a system" recited in line 1 the same as the recitation "a communication system" recited in line 2? If so line 2 should be amended so as to be consistent with line 1. Similar comment applies to similar limitation recited in the claim and the dependent claim as well. Claim 34, line 7, "the frequency" should be replaced by "a frequency". In addition, lines 10-11, the recitation of "wherein **one** of the candidate frequency hopping modes ... provide **no frequency hopping**" is not consistent with the recitation in lines 8-10 above that recites that "**each** of the plurality of candidate frequency hopping modes ... **use in frequency hopping**"; line 10, what does it mean by "has one as the associated number"?

Claim 37, line 3, "packet" should be inserted before "based".

Claim 38, packet should be inserted after "communication" in each occurrence; line 2, "a" should be replaced by "the"; line 7, "determined" should be replaced by "assigned"; line 8, "packet" should be inserted before "has".

Claim 40, line 3, "a" should be "the".

Claim 42, "ones of" should be deleted.

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Claim 43, line 2, "communication" should be inserted after "the"; lines 2-3, the limitation starting from "and" to "windows" is redundant and should be deleted see claim 34, last paragraph.

Claim 45, is the limitation "a system" recited in line 1 the same as the recitation "a communication system" recited in line 2? If so line 2 should be amended so as to be consistent with line 1. Similar comment applies to similar limitation recited in the claim; line 8, "the" should be replaced by "a"; lines 11-13, the recitation of "wherein **one** of the candidate frequency hopping modes ... provide **no frequency hopping**" is not consistent with the recitation in lines 10-11 above that recites that "**each** of the plurality of candidate frequency hopping modes ... **use in frequency hopping**"; line 12, what does it mean by "has one as the associated number"?

Note that any claim whose base claim is objected is likewise objected.

Appropriate correction is required.

3. This application is in condition for allowance except for the formal matters noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.


***Allowable Subject Matter***

4. Claims 4-20, 22, 23, 26-43 and 45 would be allowable if amended to overcome the objection set forth above

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jean B Corrielus  
Primary Examiner  
Art Unit 2637

1/4/06